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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/746,264

12/22/2000

Stephen John Blanchard

PPC-775

9836

7590

04/24/2003

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EXAMINER

WEBB, JAMISUE A

ART UNIT

PAPER NUMBER

3761

DATE MAILED: 04/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/746,264

Applicant(s)

BLANCHARD ET AL.

Examiner

Jamisue A. Webb

Art Unit

3761

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 01 April 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 5 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 01 April 2003. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-12

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____


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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

Continuation of 5. does NOT place the application in condition for allowance because: The applicant has argued that the hinges terminating at the longitudinal edges is contrart to the express claim limitations due to the fact that limitations claim "between the central longitudinal axis and the first and second longitudinal edges". The hinge obviously does not extend beyond the longitudinal edge, therefore just because it terminates at the edge, does not mean it is not located between the edge and center longitudinal axis. Furthermore, the applicant uses the word "substantially", this does not mean that ALL of the hinge has to be located in one area, it means a majority (over 50%) has to be located in the area specified. Therefore because the edge of the hinges are located on the longitudinal edge of the absorbent, then according to the applicant's arguments the only part of the hinge that is not located between the longitudinal edge and the longitudinal centerline, is the very end edge of the hinge, therefore substantially (over 50%) of the hinge is located between the two. The applicant is also arguing essentially the same thing for the hinges being "substantially in the center within the center region, the word "substantially" does not mean the entire hinge must be located within the center regions, it means that a majority of the hinge must be located within the center region, which is over 50%. Furthermore, the claim never sets forth at what point the center region ends and the end regions begin, therefore the points are arbitrary. The examiner considers the end region to begin where the hinges end. The claim never states that the hinges are confined only to the center region, it uses the word substantially, which does not mean entirely. With respect to Applicants arguments that the hinges of Glassman are not in fact hinges: the aplicant has argued that compressions of Glassman do not disclose hinges because Glassman teaches that the compressions to do not permit down-folding of the napkin" and the applicant states that Glassman only teaches lateral compression. Whereas Glassman may call the sides lateral compressions, it is still clearly shown in Figures 6 and 8 that the sides of Glassman are folded upward, and the compressions allow for this to happen by allowing the sides to laterally compress to the centerline, this is clearly seen in the figures, and therefore where as Glassman may not call them hinges, it is still the examiner's postion that the compressed channels (which are structurally the same as the claimed invention), are capable as functioning as hinges, because it is clearly seen that the sides of Glassman are compressed upwards and inwards to form a curve.

With respect to Applicant's arguments that due to the fact Glassman teaches the grooves terminate at the longitudinal edges of the article, then it would not be obvious to rearrange the hinges: While this may be true for some embodiments of Glassman, Glassman also teaches other embodiments where the hinges terminate at the longitudinal end edges of the article (Figures 1), and where the hinges do not terminate at the edges (Figure 2 and 3), therefore, Glassman does anticipate other configurations of the compressed grooves and therefore by switching the location of the hinges would not be contrary to the express teachings of Glassman and would still operate as intended by Glassman.

With respect to Applicant's arugument that all waxes doe not inherently posses a greater density than the core: Wax is used an a addition component to the core (not replacing part of the core), due to the fact that the core is fibrous and therefore has voids, the wax would fill the voids. Therefore the density of wax region would be the sum of the density of the core (in that region), plus the density of the wax added, where as the rest of the core would just be the density of the core, therefore an increased density. ..